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John Brown's Spy: The Adventurous Life and Tragic Confession of John E. Cook

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Review

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Lubet, Steven *John Brown's Spy: the Adventurous Life and Tragic Confession of John E. Cook*. Yale University Press, \$30.00 ISBN 978-0-300-18049-7

The Harper's Ferry Raid and Trials from a New Perspective

More than 150 years after John Brown's failed attempt to seize the Federal arsenal at Harper's Ferry, Virginia [on October 16, 1859], the fiery abolitionist and self-proclaimed instrument of God's judgment upon American slavery remains a compelling and controversial figure.¹ For while Brown has been scrutinized from numerous perspectives, in *John Brown's Spy: the Adventurous Life and Tragic Confession of John E. Cook* (Yale University Press, 2012), Dr. Steven Lubet proves there's more historical treasure to be discovered about slavery's archenemy and the men who followed him. Specifically, *John Brown's Spy* focuses upon the life and dubious career of John E. Cook who, as much as Brown, exemplified 19th century America's tragic inability to resolve its identity as a free society that tolerated slavery.

As a multi-talented scholar, lawyer, and historian, Dr. Lubet brings a fresh perspective to the examination of John Brown and his allies. Currently serving as the Williams Memorial Professor of Law at Northwestern University's Law School, Dr. Lubet has also written *Fugitive Justice: Runaways, Rescuers, and Slavery on Trial* (Harvard University Press, 2010) and *Murder in Tombstone: the Forgotten Trial of Wyatt Earp* (Yale University Press, 2004). His robust credentials as a legal scholar are burnished by his more than 100 articles regarding legal and judicial ethics, legal history, international criminal law, dispute resolution, and legal education. His 2009 textbook, *Modern Trial Advocacy*, has been adopted for use in law schools in the United States, Japan, Canada, Israel, Taiwan, the Republic of China (Taiwan), the People's Republic of China (Mainland China), and Chile. The heft of his scholarly bona fides are reinforced by his op-ed contributions to news outlets like the *Chicago Tribune*, *New York Times*, *San Francisco Chronicle*, *Baltimore Sun*, *Philadelphia*

Inquirer, *Newsday*, *Los Angeles Times*, *Washington Post*, *Dallas Morning News*, *Atlanta Journal Constitution*, the *Detroit Free Press*, and online journals like *Slate* and *Salon*. Television appearances with celebrity figures like Stephen Colbert and John Stewart have further elevated the contemporaneous appeal and significance of Dr. Lubet's work.²

While the factual high drama of the ill-fated Harper's Ferry raid is generally enough to engage a reader's attention, the capture, confession of betrayal, and subsequent trial and execution of John E. Cook (Brown's most trusted co-conspirator) adds thrill, intrigue, and pathos. Dr. Lubet swiftly establishes the context of the national crisis over slavery that steadily engulfed the United States from when it was "thought that the spirit of the Declaration of Independence would gradually lead" to the vile institution's "voluntary abandonment". (17) That "naïve expectation was soundly dashed at the Constitutional Convention in 1787." (17) Recounted is slavery's parasitic spread across the American sociopolitical, cultural, and economic landscape. Events like President Franklin Pierce's 1854 signing of the Kansas – Nebraska Act (21); New York Senator William Seward's announcing northerners' intent to compete with slaveholders "for the virgin soil of Kansas" (22); and John Brown's 1856 promise to "strike terror into the hearts of proslavery people" (27), permeated the society surrounding John E. Cook as he matured from favored son and sibling to retail clerk, law clerk, and, finally, crusading abolitionist. Cook's sentiments regarding slavery and its abolition competed with the proclivities of his highly flawed character.

A narcissistic braggart who was not averse to stretching the truth (especially when it came to his own heroics); a dreamer who was "fascinated by violence and . . . adventure" (29); sometimes referred to as "impulsive and indiscreet," and described [by acquaintances] as "reckless" (38); chronically suffering from a condition [*cacoethes loquendi*] known as a "rage for talking" or "malady of the tongue" (40); and a serial philanderer who charmed women, "young and old . . . with his . . . poetry and stories," Cook also pursued "women wherever he went" (15, 34).³ This was much to the consternation of John Brown whose rigid Calvinism "made him more than a prude in sexual matters." (38) Even so, Cook's friendly garrulous nature, and his flair for convincing bravado, made him the most useful, and risky, choice for spying out the people and conditions of Harper's Ferry in the months before the raid.

History has well-noted the disastrous results of Brown's assault. Less known is Cook's instant conversion from liberating crusader to cloying informant after his capture. "Cook began to inform on his comrades as early as the wagon ride from Mont Alto," Pennsylvania (where he was captured) to Chambersburg. (115). Cook's tongue threatened to imperil the lives of anti-slavery sympathizers who confided their desire to help him escape extradition to Virginia. It also implicated those who had refused to participate in the raid, namely, Frederick Douglass. Correctly deducing that his abolitionist luminosity would not shield him in a land where blacks were property, Douglass fled to Canada. This was fortunate since Cook asserted that Douglass "had at the last minute broken his promise to lead a band of armed men in support of the [Harper's Ferry] raid." (117). The fact that Douglass had flatly refused John Brown mattered little to Cook whose character devolved into contemptibility as the gallows loomed closer. The *Indianapolis Journal* wryly noted that criminals like Cook generally cared "more for their necks than their characters". (206)

The strongest segments of *John Brown's Spy* pertain to the legal analyses and narration of events relative to arrests, extraditions, courtroom maneuvering, and the strategizing of lawyers [both prosecution and defense] and politicians who sought to use the Harper's Ferry incident to punish the raiders and further their careers. The nuanced details of 19th century jurisprudence are skillfully rendered accessible for comprehension while exposing the thinly veiled ambitions of men devoted more to practicing law rather than seeking justice. Presidential hopeful, and outgoing Virginia Governor, Henry A. Wise proved one of the most prominent schemers "who had his own agenda—which was to implicate additional abolitionist figures in the North—and he quickly" sought to "use Cook to his advantage." (147).

The strong legal analyses and potent discernment of lawyers' and politicians' avarice contrasts with those portions of *John Brown's Spy* where conclusions are drawn on the basis of thin circumstance. The narrative is burdened with repeat instances of tense shifting, research interrogation, and a persistent penchant for getting ahead of the story [and the facts]. Throughout the work statements like "it is not recorded" (55), "it is not known" (59), "There is no record" (138), "but it is unknown" (145), and "we will never know" (240), intrude upon the narrative with jarring suddenness. Instances of drawing conclusions, or speculating with implied certainty, are also problematic. For example, in the chapter "Charlestown" a fine summary is given of the polished character and persona of Senator James Mason who "stood out as an island of

dignity in a loutish sea . . . always conducting himself with perfect manners, even toward the despised defendant [John Brown]." (131) Mason, "the very model of southern decorum" attended Brown's trial "from beginning to end". (131) Also in attendance at the reading of the evidence against Brown was "Mary Ann Kennedy, the mother of Virginia Kennedy Cook" [John E. Cook's wife]. (131). Once having established the presence of both Senator Mason and Mrs. Kennedy at the trial it's asserted that although "It is not known whether Senator Mason recognized Mrs. Kennedy . . . he would surely have treated her chivalrously had they met." (132) Drawing such a conclusion on the basis of two people being in proximity comes close to flouting the factual rigor demanded by history. Whether or not Mason would have acted chivalrously is of far less concern than the absence of facts proving his actions, one way or the other.

John Brown's Spy: the Adventurous Life and Tragic Confession of John E. Cook is nevertheless an enjoyable book. Its research materials are drawn from a broad cross-section of archival sources, historical societies, museums, and libraries. Newspapers, personal papers, manuscript collections, limited internet sources, and a host of secondary sources provide a substantial foundation for the work. The listing of names after the last chapter helps keep track of the many personalities who figured so prominently in the tragedy of Harper's Ferry. Overall, the book offers another compelling perspective underscoring the magnificent achievement of John Brown's colossal defeat and ultimate victory.

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¹ While the location for Harper's Ferry in the contemporary United States is in the state of West Virginia, in 1859, the geography where the town is situated still belonged to the state of Virginia. West Virginia joined the Union of states on June 20, 1863.

² Information pertaining to Dr. Steven Lubet's academic and publishing background was extracted from the Northwestern University Law School's website at: <http://www.law.northwestern.edu/faculty/profiles/stevenlubet/>. The

site was accessed on July 9, 2014.

³ *Caocethes Loquendi* is also defined/described as “diarrhea of the mouth,” “flowing tongue,” and “gift of the gab”. Extracted from Thesaurus.com at: <http://thesaurus.com/browse/cacoethes+loquendi>. Accessed on July 14, 2014.